

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

DEPARTMENT OF DEFENSE and OFFICE OF
THE DIRECTOR OF NATIONAL
INTELLIGENCE,

Defendants.

No. 19 Civ. 9821 (VSB)

**STIPULATION AND
ORDER OF DISMISSAL**

WHEREAS, on October 24, 2019, Plaintiff The New York Times Company (“Plaintiff”) filed this suit in the United States District Court for the Southern District of New York pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), seeking the release of certain records by Defendants Department of Defense (“DOD”) and Office of the Director of National Intelligence (“ODNI”, together with DOD, “Defendants,” and together with Plaintiffs, “the Parties”), in connection with a FOIA request for the same records dated June 3, 2019 (the “FOIA Request”);

WHEREAS, ODNI responded to the FOIA Request by conducting a search and locating no responsive, non-exempt records;

WHEREAS, DOD responded to the FOIA Request by producing responsive, non-exempt records in multiple productions occurring from March 2020 through October 2023, and a production of several revised pages occurring on December 13, 2023;

WHEREAS, Plaintiff, after reviewing the records produced, has determined that it will not be challenging the adequacy of Defendants’ search or the withholdings applied to the

produced records;

IT IS HEREBY STIPULATED AND AGREED, by and between the Parties, as follows:

1. Defendants' productions from March 2020 through December 2023 fully resolve any and all claims that Plaintiff now has or may hereinafter acquire against Defendants or the United States of America (the "United States"), or any department, agency, officer, or employee of Defendants and/or the United States, arising from the FOIA Request.
2. This action is hereby dismissed with prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, with each party to bear its own fees and costs.
3. The Parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the Parties or their counsel that are not included herein shall be of any force or effect.

[Remainder of Page Intentionally Left Blank]

WHEREAS, the Parties accept the terms, conditions, and requirements of this Stipulation as of the dates written below:

Dated: New York, New York
December 21, 2023

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York
Attorney for Defendants

By: 
ALLISON M. ROVNER
Assistant United States Attorney
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Dated: New York, New York
December 21, 2023

DAVID MCCRAW, ESQ.
Attorney for Plaintiff

David McCraw

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SO ORDERED:


HON. VERNON S. BRODERICK
United States District Judge

Dated: December 26, 2023